

LAW OFFICES OF
AMBROSE WOTORSON
A PROFESSIONAL
CORPORATION 41st FLOOR
225 BROADWAY
NEW YORK, N.Y. 10007
TELEPHONE: 646-242-3227
CELLULAR: 609-598 0567
FACSIMILE: 212-732 8167
LOAWW1650@AOL.COM

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July 21, 2017

Yajaira Velazquez v. Yoh Services, LLC. Et al.
17-cv-00842 (CM)

Dear Honorable Judge McMahon:

We write to request leave to file a sur-reply to defendants' motion to enforce settlement by July 26, 2017.

In particular, we note that plaintiff's prior counsel, Rudy Dermesropian, Esq., has filed a declaration disputing plaintiff's claim that she felt pressured on May 19, 2017 to settle the case. While we do not believe plaintiff's dispute with her prior counsel is dispositive of the applicability and compliance with *Cheeks v. Pancake House*, we believe that Mr. Dermesropian has misstated his communications with plaintiff on May 19, 2017, leading to the pressure that plaintiff felt to settle the case. We therefore wish to respond to Mr. Dermesropian's declaration.

We also note that defendants have included material in their reply papers that was neither included nor raised in their opening papers and that does not fairly respond to plaintiff's points, such as records purporting to show that plaintiff was late to work on several occasions. Plaintiff wishes to dispute those records.

Further, defendants have cited several pre-*Cheeks* cases that are from other federal Circuits that are neither binding nor persuasive, and which should be distinguished from the instant case.

Finally, plaintiff wishes to show and to clarify her FLSA wage damages based, in part, upon relevant IRS form W-2s. Plaintiff wishes to submit the relevant IRS form W-2s for the Court's consideration showing that the settlement amount was inadequate when considering a year's worth of back-pay, the amount defendants failed to pay her and her entitlement to liquidated damages

We have contacted defendants and they oppose the instant application.

Respectfully Submitted,

S//

Ambrose Wotorson, Jr.

I do not accept sur-replies

Order by Judge McMahon
7/24/17